

**EXHIBIT B - CONDITIONS OF APPROVAL
DRC2014-00131 MARINAI**

Approved Development

1. This approval authorizes
 - a. A three-story 83-unit motel in a single building with a total of 38,500 square-feet of floor area and 12,800 square-foot of subterranean parking. The project will result in the disturbance of approximately 1.2 acres of a 1.2 acre parcel.
 - b. A modification to the sign ordinance to allow for two (2) wall-mounted signs of 150 square-feet each.
 - c. Maximum height is 45 feet from average natural grade.

Conditions required to be completed at the time of application for construction permits

Site Development

2. **At the time of application for construction permits**, plans submitted shall show all development consistent with the approved site plan, floor plan, and elevations.
3. **At the time of application for construction permits**, submit a revised final parking plan to the Department of Planning and Building. The revised parking plan shall indicate the following and development shall be consistent with this revised and approved plan:
 - a. Inclusion of nine bicycle rack spaces.
4. **At the time of application for construction permits**, submit a revised final landscape and fencing/screening plan to the Department of Planning and Building for review and approval. The revised plan shall indicate the following and development shall be consistent with this revised and approved plan:
 - a. All proposed palm trees shall be replaced with tree from the approved County list.
 - b. Proposed plant materials including the location, species, container size, spacing and number of trees, shrubs and groundcover, and a calculation of the total area proposed for planting.
 - c. Sufficient trees so that within ten years, 60 percent of the surface area of the lot is shaded by deciduous or evergreen trees, in addition to any perimeter landscaping required.
 - d. Drip irrigation systems are required for all landscape areas except turf areas and shall be shown on the revised plans. The drip irrigation system shall include the following components: automatic rain shut-off device, soil moisture sensors, a separate meter for outdoor water and an operating manual to instruct the building occupant how to use and maintain the water conservation hardware.
 - e. The maximum amount of turf (lawn) area shall not exceed twenty percent of the site's total irrigated landscape area, to a maximum of 1,500 square feet.
 - f. A solid wall or fencing shall be shown on all side and rear property lines of the project.
5. **At the time of application for construction permits**, the applicant shall show on the plans all utilities serving new structures are to be installed underground rather than by the use of poles and overhead lines.

6. **At the time of application for construction permits**, the applicant shall provide details on any proposed exterior lighting, if applicable. The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored.

Grading, Drainage, Sedimentation and Erosion Control

7. **At the time of application for construction permits**, the applicant shall submit complete drainage plans for review and approval in accordance with Section 22.52.110 (Drainage) of the Land Use Ordinance. All drainage must be retained on-site and the design of the basin shall be approved by the Department of Public Works.
8. **At the time of application for construction permits**, the applicant shall submit complete erosion and sedimentation control plan for review and approval in accordance with Section 22.52.120.
9. **At the time of application for construction permits**, the applicant shall demonstrate that the project construction plans are in conformance with their Stormwater Control Plan.

Stormwater

10. **At the time of application for construction permits**, the applicant shall demonstrate whether the project is subject to the Land Use Ordinance Section for Stormwater Management. Applicable projects shall submit a Stormwater Control Plan (SWCP) prepared by an appropriately licensed professional to the County for review and approval. The SWCP shall incorporate appropriate BMP's, shall demonstrate compliance with Stormwater Quality Standards and shall include a preliminary drainage plan, a preliminary erosion and sedimentation plan. The applicant shall submit complete drainage calculations for review and approval.
11. **At the time of application for construction permits**, if necessary, the applicant shall submit a draft "Private Stormwater Conveyance Management and Maintenance System" exhibit for review and approval by the County.

Access

12. **At the time of application for construction permits**, public improvement plans shall be prepared in compliance with Section 22.54.030 (Curbs, Gutters and Sidewalks) of the Land Use Ordinance and San Luis Obispo County Improvement Standards and Specifications by a Registered Civil Engineer and submitted to the Department of Public Works. The plan/s is/are to include, as applicable:
 - a. Street plan and profile for widening Hill Street to complete the project side of an A-2 urban street section with bike lanes and continuous center left turn lane fronting the property. The design must conform to tentative plans for Tract 2312 and the future curved realignment of Mary Ave and Hill St, on file with the Public Works Department.
 - b. Pedestrian easements as necessary to contain all sidewalk, driveway and curb ramp improvements that extend beyond the existing right-of-way. Offers are to be recorded by separate document with the County Clerk-Recorder upon review and approval by Public Works.
 - c. Drainage ditches, culverts, and other structures (if drainage calculations require).

- d. Public utility plan, showing all existing utilities and installation of all new utilities to serve the site.
 - e. Tree removal/retention plan for trees to be removed and retained associated with the required public improvements. The plan shall be approved jointly with the Department of Planning and Building.
13. **At the time of application for construction permits**, the applicant shall enter into an agreement and post a deposit with the county for the cost of checking the improvement plans and the cost of inspection of any such improvements by the county or its designated representative. The applicant shall also provide the county with an Engineer of Work Agreement retaining a Registered Civil Engineer to furnish construction phase services, Record Drawings and to certify the final product to the Department of Public Works.
14. **At the time of application for construction permits**, the applicant shall provide evidence to the Department of Planning and Building that onsite circulation and pavement structural sections have been designed and shall be constructed in conformance with Cal Fire standards and specifications back to the nearest public maintained roadway.

Vector Control and Solid Waste

15. **At the time of application for construction permits**, a determination of method of pick-up shall be specified by the waste handler and if centralized facilities for the pick-up are required, provisions shall be made within the project for central facilities that meet Land Use Ordinance requirements for trash enclosures. If centralized facilities are established, this shall include provisions for recycling if service is available or subsequent installation of such facilities if recycling service becomes available in the future.

Fire

16. **At the time of application for construction permits**, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code. Requirements shall include, but not be limited to those outlined in the Fire Safety Plan, prepared by the Cal Fire/County Fire Department for this proposed project and dated May 15, 2015.

Noise

17. **At the time of application for construction permits**, the applicant shall show the following on the project plans:
- a. The structure is provided with air conditioning or mechanical ventilation.
 - b. All exterior doors are solid core with perimeter weather stripping and threshold seals.
 - c. All fresh air inlets or exhaust vents located on the east (Highway 101) side of the structure incorporate sound attenuation and noise baffling.
 - d. Glass in both windows and doors in all rooms on the east (Highway 101) side of the structure does not exceed 20% of the floor area of the room.
 - e. Exterior walls consist of stucco or brick veneer, or wood siding with a 1/2" minimum thickness fiberboard (i.e. soundboard) underlayer is used.

Conditions to be completed prior to issuance of a construction permit

Grading, Drainage, Sedimentation and Erosion Control

18. **Prior to issuance of construction permits**, the following measures shall be incorporated into the construction phase of the project and shown on all applicable plans:
 - a. Reduce the amount of the disturbed area where possible.
 - b. Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible.
 - c. All dirt stock-pile areas should be sprayed daily as needed.
 - d. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible.
 - e. Building pads should be laid as soon as possible after grading unless seeding or soil binders are used.
19. **Prior to issuance of construction permits**, a geologic investigation will be prepared and then submitted to the county to determine the presence of naturally-occurring asbestos. If naturally occurring asbestos is found at the site, the applicant must comply with all requirements outlined in the Asbestos ATCM before grading begins. These requirements may include, but are not limited to, 1) preparation of an "Asbestos Dust Mitigation Plan", which must be approved by APCD before grading begins; 2) an "Asbestos Health and Safety Program", as determined necessary by APCD.
20. **Prior to issuance of construction permits**, if necessary, the applicant shall record with the County Clerk the "Private Stormwater Conveyance Management and Maintenance System" to document on-going and permanent storm drainage control, management, treatment, disposal and reporting.
21. **Prior to issuance of construction permits**, the applicant may be required to offer for dedication to the public drainage easement(s) as necessary to contain both existing and proposed drainage features where those features accept public road storm flows. Offers are to be recorded by separate document with the County Clerk upon review and approval by Public Works.

Stormwater

22. A Stormwater Pollution Prevention Plan (SWPPP) may be necessary from the Regional Water Quality Control Board. Provide evidence that it has been obtained or is unnecessary **prior to issuance of construction permits**.

Fees

23. **Prior to issuance of a construction permit**, the applicant shall pay all applicable school and public facilities fees.
24. **Prior to issuance of a construction permit**, the applicant shall pay the housing impact fee as required by Section 22.12.080.F.1, or may defer fee payment pursuant to Section 22.12.080.J.4. As an alternative the applicant may provide housing units or a land donation, pursuant to Section 22.12.080.F.3.
25. **Prior to issuance of construction permits**, the applicant shall pay applicable South

County Road Improvement fees.

26. **Prior to issuance of construction permits**, the applicant shall pay all applicable in-lieu fee for future transit improvements as determined by the Regional Transit Authority (RTA) and the Director of Planning and Building.

Water

27. **Prior to issuance of construction permits**, construction plans shall include indoor water conservation measures including: low water-use toilets, showerheads, and faucets; automatic shut-off devices for bathroom and kitchen faucets; and point-of-use supplemental water heater systems or circulating hot water systems in bathrooms and kitchen. Landscape plans for the proposed parcels must include outdoor conservation measures including: limited landscape area, low water-use plant materials, limited turf area, soil moisture sensors, and drip irrigation systems.

Services

28. **Prior to issuance of construction permits**, the applicant shall submit a final “will-serve” letter from the Nipomo Community Services District to the Environmental Health Division.

Conditions to be completed during construction/site disturbance activities

Air Quality

29. **During construction or site disturbance**, applicant shall implement the following mitigation measures to significantly reduce fugitive dust emissions such that they do not exceed the APCD 20% opacity limit:
- a. Reduce the amount of the disturbed area where possible;
 - b. Use water trucks, APCD approved dust suppressants, or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site and from exceeding the District's limit of 20% opacity for greater than 3 minutes in any 60 minute period; Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible. The contractor or builder shall consider the use of an APCD approved dust suppressant where feasible to reduce the amount of water used for dust control.
 - c. All dirt stock-pile areas should be sprayed daily and covered with tarps or other dust barriers as needed;
 - d. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible, and building pads should be laid as soon as possible after grading unless seeding, soil binders or other dust controls are used;
 - e. All of these fugitive dust mitigation measures shall be shown on grading and building plans; and
 - f. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity. Their duties shall include holidays and weekend periods when work may not be in progress.

Conditions to be completed prior to occupancy or final building inspection/establishment of the use

30. **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

Site Development

31. Landscaping in accordance with the approved landscaping plan shall be installed or bonded for **before final building inspection**. If bonded for, landscaping shall be installed within 60 days after final building inspection. All landscaping shall be maintained in a viable condition in perpetuity.
32. **Prior to final inspection**, for structures where the pipe from the hot water heater to any faucet is greater than 20 feet in length, apply one or more of the following: 1) install a hot water pipe circulating system for entire structure; 2) install "point-of-use" water heater "boosters" near all hot water faucets (that are greater than 20 linear pipe feet from water heater), or 3) use the narrowest pipe possible (e.g., from 1" to ½" diameter).

Access

33. **Prior to occupancy or final inspection**, a Registered Civil Engineer must certify to the Department of Public Works that the public improvements have been constructed or reconstructed to the satisfaction of the County Public Works Inspector and in accordance with County Public Improvement Standards; the project conditions of approval, including any related land use permit conditions; and the approved improvement plans. All public improvements shall be completed prior to occupancy of any new structure.

Fire

34. **Prior to occupancy or final inspection**, whichever occurs first, the applicant shall obtain final inspection and approval from Cal Fire of all required fire/life safety measures.

Noise

35. **Prior to final inspection or occupancy, whichever occurs first**, the applicant shall provide certification from an engineer qualified in noise analysis that a noise level of 45 dbA or less can be maintained inside the structure with the windows and doors closed (when buildout of Highway 101 is considered). In the event the acceptable noise level is not reached, additional measures shall be installed, as directed by the acoustical expert, to the extent that the acceptable noise level is achieved. The applicant shall provide to the county written verification by the acoustical expert that acceptable levels have been achieved.

On-going conditions of approval (valid for the life of the project)

36. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 22.64.070 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 22.64.080 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.

37. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 22.74.160 of the Land Use Ordinance.

Grading, Drainage, Sedimentation and Erosion Control

38. **On-going condition of approval (valid for the life of the project)**, the project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and / or Phase II storm water program and the County's Storm Water Pollution Control and Discharge Ordinance, Title 8, Section 8.68 et sec.

Access

39. **On-going condition of approval (valid for the life of the project)**, and in accordance with County Code Section 13.08, no activities associated with this permit shall be allowed to occur within the public right-of-way including, but not limited to, project signage; tree planting; fences; etc without a valid Encroachment Permit issued by the Department of Public Works.

Fees

40. **On-going condition of approval (valid for the life of the project)**, and in accordance with Title 13.01 of the County Code, the applicant shall be responsible for paying to the Department of Public Works the South County Area 1 Road Impact Fee. The fee shall be imposed at the time of application for building permits and shall be assessed for each building permit to be issued. These fees are subject to change by resolution of the Board of Supervisors. The applicant shall be responsible for paying the fee in effect at the time of application for building permits.